

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION

DOUGLAS HANDSHOE

PLAINTIFF

VS.

CIVIL ACTION NO. 1:15cv382HSO-JCG

VAUGHN PERRET, CHARLES LEARY &
DANIEL ABEL, D/B/A TROUT
POINT LODGE LTD OF NOVA SCOTIA
& IN THEIR INDIVIDUAL CAPACITIES
PROGRESS MEDIA GROUP LIMITED,
MARILYN SMULDERS, TORSTAR
CORPORATION, NATIONAL
GEOGRAPHIC SOCIETY, XYZ
FOUNDATION & JOHN DOES 1-50

DEFENDANTS

**DECLARATION OF KATHY ENGLISH IN SUPPORT OF TORSTAR
CORPORATION'S MOTION TO DISMISS OR, IN THE ALTERNATIVE, MOTION
FOR SUMMARY JUDGMENT ON PLAINTIFF'S SECOND AMENDED COMPLAINT
FOR DAMAGES, DECLARATORY AND INJUNCTIVE RELIEF**

I, Kathy English, declare that:

1. I am Public Editor of the Toronto Star Newspapers Limited ("TSNL"), a wholly-owned subsidiary of the defendant Torstar Corporation. I have personal knowledge of all of the facts set forth in this Declaration based upon information obtained from various sources, including my own personal knowledge and experience with Torstar Corporation, as well as documents and records maintained by Torstar in the regular course of business. I make this Declaration based on my personal knowledge and reliable business records and sources of information as to the following facts and circumstances, and I could and would competently testify to these matters if called as a witness.

2. Torstar Corporation is a Canadian company whose subsidiary operates an online news

EXHIBIT

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site titled *The Toronto Star* in Canada. *The Toronto Star* predominately reports on Canadian news events or news events most relevant to its readers in Canada. *The Toronto Star*'s readers predominately live in Canada.

3. On February 1, 2012, an article entitled "N.S. Court Orders Mississippi Blogger to Pay Gay Couple \$425,000" was published on *The Toronto Star*'s website.

4. On February 24, 2014, an article entitled "Nova Scotia Couple Wins Copyright Lawsuit against Homophobic U.S. Blogger" was published on *The Toronto Star*'s website.

5. Torstar Corporation does not have an office in Mississippi or any employees in Mississippi. Torstar Corporation does not solicit business in Mississippi or derive any income from Mississippi customers.


6. Torstar Corporation has not sent any takedown notices associated with material, images or publications posted by Slabbed New Media, LLC or Mr. Douglas Handshoe. Torstar Corporation has not authorized any other person or entity to issue any takedown notices on its behalf as to any material, images or publications posted by Slabbed New Media, LLC or Mr. Douglas Handshoe. Torstar Corporation has not conspired with any other person or entity to issue any takedown notices associated with material, images, or publications posted by Slabbed New Media, LLC or Mr. Douglas Handshoe.

7. But for Mr. Douglas Handshoe's inclusion of Torstar Corporation in the above-referenced lawsuit, Torstar Corporation would have no knowledge of any takedown notices associated with material, images or publications posted by Slabbed New Media, LLC or Mr. Douglas Handshoe. To date, Torstar Corporation has no knowledge of the contents of any takedown notices purportedly sent in 2016 regarding any material, images or publications posted by Slabbed New Media, LLC or Mr. Douglas Handshoe.

8. Torstar Corporation has not pursued any litigation against Slabbed New Media, LLC or Mr. Douglas Handshoe in any court of law.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on the 25 day of August, 2016.



KATHY ENGLISH

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